

#6

TECHNOLOGY CENTER 3310
 PATENT
 Customer No. 22,852
 Attorney Docket No. 7528/0002-05
 2001
 RECEIVED



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
 Patrick M. MCCARTHY et al.) Group Art Unit: 3762
 Application No.: 09/422,328) Examiner: J. Jastrzab
 Filed: October 21, 1999)
 For: METHODS AND DEVICES FOR)
 IMPROVING CARDIAC)
 FUNCTION IN HEARTS)

Assistant Commissioner for Patents
 Washington, DC 20231
 Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee payment of \$180.00 as specified by Section 1.17(p).

Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

FINNEGAN
 HENDERSON
 FARABOW
 GARRETT &
 DUNNER LLP

1300 I Street, NW
 Washington, DC 20005
 202.408.4000
 Fax 202.408.4400
 www.finnegan.com

12/27/2001 GTEFFER 00000155 09422328

02 FC:126

180.00 DP

documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 26, 2001

By: Susanne C. Tinker
Susanne C. Tinker
Reg. No. 44,472

251488_1

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com